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Bradley W. Mitchell
Appl. No. 09/752,201***Remarks***

Reconsideration of the Restriction Requirement as applied to this Application is respectfully requested. Claims 1-22 and 24-31 are pending in the application, of which claims 1, 7, 15, 17, 21, 24, and 28 are independent. Claims 7 and 21 are sought to be amended. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw the Restriction Requirement.

Applicant would like to thank the Examiner for his courteous voicemail message left on Applicant's representative's telephone indicating that claims 21 and 22 should be included in Group II.

Election

The Examiner states, on page 2 of the Restriction Requirement, that the claims are directed to two patentably distinct species, namely:

Group I: Claims 1-6, 15-16, and 24-31, drawn from electronic data that relates to online activity.

Group II: Claims 7-14 and 17-20, drawn from comparing data with one or more threshold values. Please note that claims 21 and 22 are also included in Group II as per the Examiner's voicemail message.

In response to the restriction requirement, Applicant hereby elects Group II comprising claims 7-14 and 17-22, with traverse.

Applicant respectfully submits that the restriction is improper and should be withdrawn. For a restriction requirement to be proper, the Examiner must show that

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distinctive inventions are being claimed as well as a serious burden on the Examiner if the application is not restricted. Applicant respectfully submits that there are no substantial distinctions between Groups I and Groups II which would necessitate a serious burden. Both groups are related to methods, articles, and a system for generating electronic reports using electronic data from one or more online activities.

The Examiner, on page 2 of the Restriction Requirement, indicates that the inventions are distinct from each other because Group I and Group II inventions are related as subcombinations disclosed as usable together in a single combination and that the subcombinations are distinct from each other if they are shown to be separately usable. The Examiner then states that the invention from Group I has separate utility, such as the electronic data relates to online activity. The Examiner further states that the invention from Group II has separate utility because it requires comparing data with one or more threshold values.

Applicant respectfully disagrees. Independent claims 7, 17, and 21, which the Examiner indicates are part of Group II, each includes electronic data related to online activity as recited in independent claims 1, 15, 24, and 28 of Group I. Independent claims 7 and 21 each include similar language indicating that the electronic data relates to online activity. Independent claim 17 includes the element of "receiving interrelated electronic data regarding electronic transactions occurring via at least one selected web site." Applicant respectfully submits that electronic data regarding electronic transactions occurring via at least one selected web site is equivalent to electronic data relating to online activity.

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Furthermore, dependent claims 27 and 31, which the Examiner indicates are part of Group I, each includes "comparison of said one or more measurement values to one or more threshold values" as similarly recited in independent claims 7, 17, and 21 of Group II.

Thus, the Examiner's reason for restriction, namely that the "electronic data relates to online activity" found in Group I, is no longer valid since this is also found in Group II. Also, contrary to the Examiner's reason for restriction of Group II, the comparing of data with one or more threshold values found in Group II is also found in Group I (*see* dependent claims 27 and 31). Applicant therefore believes that the search and examination of the entire application can be made without serious burden to the Examiner.

For at least the reasons stated above, it is respectfully requested that the restriction requirement be reconsidered and withdrawn, and that examination on the merits of all of the claims (1-22 and 24-31) proceed.

Respectfully submitted,

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